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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-416**

13 **KIMBERLY LYNN WALKER**
232 S. Lomita Street
14 Burbank, CA 91506
Registered Nurse License No. 654439

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about March 14, 2005, the Board of Registered Nursing (Board) issued
22 Registered Nurse License Number 654439 to Kimberly Lynn Walker (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2010, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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[illegible]

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing actions."

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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2 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
3 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
4 section."

5 REGULATORY PROVISION

6 8. California Code of Regulations, title 16, section 1442, states:

7 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
8 the standard of care which, under similar circumstances, would have ordinarily been exercised by
9 a competent registered nurse. Such an extreme departure means the repeated failure to provide
10 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
11 situation which the nurse knew, or should have known, could have jeopardized the client's health
12 or life."

13 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

14 9. Cefoxitin is an antibiotic and is a dangerous drug as defined in section 4022.

15 10. Demerol (brand name for Meperidine Hydrochloride) is a Schedule II controlled
16 substance as designated by Health and Safety Code section 11055, and is a dangerous drug as
17 defined in section 4022.

18 11. Fentanyl (an opiate) is a Schedule II controlled substance as designated by Health and
19 Safety Code section 11055, subdivisions (a) and (c)(8), and is a dangerous drug as defined in
20 section 4022.

21 12. Lorazepam or Ativan (a benzodiazepine) is a Schedule IV controlled substance as
22 defined in Health and Safety Code section 11057, subdivisions (a) and (d)(16), and is a dangerous
23 drug as defined in section 4022.

24 13. Morphine Sulfate (an opiate) is a Schedule II controlled substance as designated by
25 Health and Safety Code section 11055, subdivisions (a) and (b)(1), and is a dangerous drug as
26 defined in section 4022.

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1 Incident at Good Samaritan Hospital

2 18. On or about October 28, 2007, while Respondent was working as a nurse at Good
3 Samaritan Hospital in Los Angeles, California, hospital staff noticed the frequency with which
4 Respondent went to the Omnicell drug dispensing station.

5 19. An activity report from the hospital's Omnicell system indicated that Respondent
6 withdrew four doses of Demerol 75 mg for her assigned patient. The medication administration
7 record (MAR) for that patient indicated that Respondent administered two doses of Demerol. The
8 patient confirmed that she received Demerol twice during Respondent's shift. The other two
9 doses of Demerol 75 mg that Respondent withdrew, 150 mg total, were unaccounted for.

10 Incident at Verdugo Hills Hospital

11 20. On or about April 19, 2007, while working as a nurse at Verdugo Hills Hospital in
12 Glendale, California, Respondent documented that she signed out and administered three doses of
13 Demerol 75 mg to a patient (Patient A). There was no physician order for Demerol for Patient A
14 and Patient A denied receiving the medication. Hospital staff also determined that Respondent
15 failed to administer a dose of Cefoxitin antibiotic IVPB that was ordered by a physician for Patient
16 A.

17 21. On the same day, Respondent signed out six doses of Demerol 75 mg for another
18 patient (Patient B). A physician had ordered three doses of Demerol for Patient B. However,
19 Patient B denied receiving any doses of Demerol during Respondent's shift.

20 FIRST CAUSE FOR DISCIPLINE

21 (Gross Negligence)

22 22. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), on
23 the grounds of gross negligence as defined in California Code of Regulations, title 16, section
24 1442, in that Respondent withdrew controlled substances/dangerous drugs, but failed to
25 administer the drugs to patients or waste the drugs. Complainant refers to and incorporates all of
26 the allegations in paragraphs 16 through 21, inclusive, as though set forth fully.

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1 drugs. Complainant refers to and incorporates all of the allegations in paragraphs 20 through 21,
2 inclusive, as though set forth fully.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 654439, issued to
7 Kimberly Lynn Walker;

8 2. Ordering Kimberly Lynn Walker to pay the Board the reasonable costs of the
9 investigation and enforcement of this case, pursuant to Business and Professions Code section
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 3/8/10



for

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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